

REMARKS

The Office Action dated March 31, 2003 has been reviewed, and the comments of the U.S. Patent Office have been considered. Accordingly, Applicants respectfully submit claims 1-11 for reconsideration by the Examiner in view of the following remarks.

Applicants filed an Information Disclosure Statement, along with a PTO Form-1449, with the Office on June 12, 2003. Applicants respectfully request that the Examiner consider the documents listed on the PTO Form-1449.

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,236,333 to King. Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over King. Claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over King in view of U.S. Patent No. 5,956,259 to Hartsell, Jr. et al. ("Hartsell"). Claim 6 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over King in view of U.S. Patent No. 4,723,121 to van den Boom et al. ("van den Boom"). These rejections are respectfully traversed in view of the following remarks.

Independent claim 1 recites a combination of features including "an evaluation unit evaluating the echo signal to determine authorization of the code transmitter and to determine a distance between the code transmitter and the receiving unit."

In contrast, King shows a controller 40 evaluating one signal to determine the distance of the key fob 22 and another different signal for interrogating the key fob 22. King states at col. 2, lines 36-42 that distance of the key fob 22 is monitored by magnetic field sensors 30a-e that measure the flux intensity due to magnet 24 in key fob 22 and those measurements are sent to a controller 40. The controller 40 based on those measurements then determines if the key fob 22 is approaching or moving away from a door of the vehicle 34a-e. However, King states that to interrogate the key fob 22, controller 40, via the transmitter/receiver 42, transmits an interrogate signal (col. 3, lines 8-14). King further states at col. 3, lines 12-15 that "when key fob 22 receives the interrogate signal from the controller 40, the key fob 22 transmits a code which is received by the transmitter/receiver 42." If the key fob 22 transmits the correct signal, the controller 40 will lock or unlock the doors (col. 3, lines 15-19). Accordingly, Applicants respectfully submit that King does not teach or suggest at least the feature of an "evaluation unit

evaluating the echo signal to determine authorization of the code transmitter and to determine a distance between the code transmitter and the receiving unit.”

MPEP § 2131 states that “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, for at least the above reasons, King fails to teach each and every feature of the invention as a whole as recited in Applicants’ independent claim 1. Accordingly, it is respectfully requested that the rejection of claim 1 under § 102 be withdrawn.

Claims 7-11 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over King in view of Hartsell and van den Boom. Applicants respectfully traverse this rejection because the Office Action fails to establish a *prima facie* case of obviousness.

1 { Applicants’ independent claim 7 recites a combination of features including “evaluating the echo signals in an evaluation unit adapted to be arranged on the motor vehicle, the evaluating including determining authorization of the code transmitter and determining a distance between the code transmitter and the transmitting and receiving unit.” Applicants respectfully submits that King does not teach or suggest this feature because, as noted above, King evaluates one signal for distance and another signal for interrogation.

The Office Action also acknowledges that King does not show either a plurality of code transmitters or triangulation of the echo signal. As a result, the Office Action relies upon Hartsell and van den Boom in an attempt to reach the claimed invention as a whole, as recited in claim 7. However, Hartsell and van den Boom fail to overcome the aforementioned deficiencies of King.

2 { MPEP § 2143 states that in order to make a *prima facie* case of obviousness, the combination of relied-upon references must teach or suggest all of the features recited in a claim. Accordingly, claim 7 is allowable over the combination of relied-upon references to King, Hartsell, and van den Boom, either singularly or in combination thereof.

Claims 2-6 and 8-11, which depend ultimately from allowable claims 1 or 7, are also allowable for at least the same reasons as claims 1 and 7, as well as for reciting additional features.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and prompt allowance of claims 1-11. Applicants invite the Examiner to contact Applicants' undersigned representative if there are any issues that can be resolved via telephone conference.

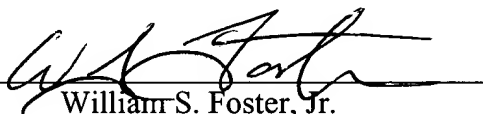
EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: July 30, 2003

By: _____


William S. Foster, Jr.
Reg. No. 51,695

Customer No.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel.: 202.739.3000
Fax: 202.739.3001